

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ara HOVANESSIAN et al.

Serial No.: 09/393,302

Filed: September 10, 1999

For: A NOVEL CELL SURFACE
RECEPTOR FOR HIV RETROVIRUSES,
THERAPEUTIC AND DIAGNOSTIC USES

#10 8/31/00
1645

Group Art Unit: 1645

Examiner: R. Zeman

Assistant Commissioner for Patents
Washington, D.C. 20231

OFFICIAL

RESPONSE TO NOTICE TO COMPLY

Sir:

In response to the Office Action dated August 21, 2000, Applicants respectfully submit that the Sequence Listing (paper and computer readable copy) filed on April 20, 2000, complies with the 37 C.F.R. §§ 1.821-825.

The Examiner indicates that the sequences referenced in claims 6-8 and 21 need to conform to the sequence rules. However, claims 6-8 and 21 do not specifically recite any nucleotides or amino acids, but rather refer generally to portions of sequences. There is no requirement in 37 C.F.R. §§ 1.821-825 that such general references be specifically listed and identified in a Sequence Listing and the Examiner has not referred to a particular section that would require Applicants to identify such sequences separately in a Sequence Listing.

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Moreover, Applicants respectfully submit that the Examiner could readily search the portions of sequences referred to in claims 6-8 and 21 based on the computer readable copy submitted on

April 20, 2000.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this response, such extension is hereby requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge those fees to our Deposit Account No. 06-916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By:

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CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

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I hereby certify that this Response to Notice to Comply is being facsimile transmitted to the Patent and Trademark Office on August 30, 2000.

Carol L. Cole

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NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s)

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: sequences referenced in claims 6-8 and 21 need to conform to sequence rules.

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216
 For CRF Submission Help, call (703) 308-4212
 For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

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Subject: U.S. Serial No.: 09/393,302

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